

*Hà Nội, date (29/10/2013)*

**DECREE**  
**ON SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN SOCIAL PROTECTION,**  
**SOCIAL EMERGENCY SUPPORT, CHILD PROTECTION, PERSONS WITH**  
**DISABILITIES AND THE ELDERLY**

*Pursuant to the Law on Organization of the Government on December 25, 2001;*  
*Pursuant to the Law on Protection, Care and Education of Child on June 15,*  
*2004;*

*Pursuant to the Law on the elderly on November 23, 2009*

*Pursuant to the Law on Persons with Disabilities on June 17, 2010*

*Pursuant to the Law on Sanctioning of administrative violations on June 20,*  
*2012*

*Pursuant to the Decree No 136/ND-CP of policy provisions of social support for*  
*social subjects on October 21, 2013*

*Proposal of Minister of Ministry of Social, Invalids and Social Affairs (MOLISA)*

*The Government promulgates the Decree on Sanctioning of administrative violations*  
*in social protection, social emergency support, child protection and care.*

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Scope of Regulation**

1. This Decree regulates administrative violations, sanctions, penalties, remedial measures and the sanctioning authority, specific fine accordance to the title and document sanctioning authority in social protection, social emergency

support, child protection and care.

2. Administrative violations in social protection, social emergency support, child protection and care, not specified in this Decree shall apply the provisions of relevant government Decrees on sanctioning of related sectors.

## **Article 2. Forms of remedial measures**

Besides remedial measures specified in act 1 article 28 of the Law on Sanctioning of administrative violations, this Decree regulate the following remedial measures:

1. Recommend government agency to withdraw social support decision.
2. Force to hand in the illegal benefit. In case that can not identified people to return, benefit should submit to the government budget.
3. Force to ensure reasonable accommodations, tools, safe and hygiene environment for people with disabilities and always take care of their health; fail to consult their suggestions before making decision on the matters relating to the rights and benefits of persons with disabilities:
4. Recommend authorized agencies to confiscate certificate of disability classification.
5. Force to apologize when requested;
6. Force to implement the duties to care, raise child;
7. Force to destroy the cultural, information and communication products of pornography, violence and depraved content;
8. Force to be responsible for all costs of health check up and treatment
9. Force to be responsible for all the cost to buy books, notebooks and learning tools of child
10. Force to recover the original situation for the facilities, teaching and learning equipments that were destroyed
11. Force to recover the original situation or force to remove all construction work, facilities
12. Force to remove cemetery, establishments for the production or storage of pesticides, toxic chemicals, inflammables and/or explosives near child-rearing establishments or educational, medical, cultural and recreation establishments for child that are not locate in the allow area
13. Force to apply immediately solution to remove unsafety status.
14. Force to confiscate operation licence

### **Article 3. Penalties**

1. The highest penalty applied to individuals committing administrative violations in the field of social protection, social emergency support, child protection and care is 50,000,000 dong.

2. The penalty level for administrative provision as specified in Chapter II of this Decree and for authority to sanction for administrative provisions in Chapter III are applied for individual committing to administrative provision except those administrative provisions as specified in Articles 6,7,10,11,12 and 34 of this Decree. The penalty applied for organizations committing administrative violations is twice higher than that applied for individuals.

## **CHAPTER II**

### **ADMINISTRATIVE VIOLATIONS, FORMS OF SANCTIONS AND REMEDIAL MEASURES**

#### **Part 1**

#### **ADMINISTRATIVE VIOLATIONS IN SOCIAL PROTECTION AND SOCIAL EMERGENCY SUPPORT**

### **Article 4. Violations in making false document to benefit social support, social emergency support**

1. Warning or a fine of 500 000 shall be imposed for using false documents or making false statement to benefit emergency support

2. A fine of 1,000,000 dong to 3,000,000 dong for one of the followings:

a) using false documents or making false statement to benefit to benefit monthly social allowance;

b) using false documents or making false statement order to benefit the social allowance for caring and raising the objects.

c) using false documents or making false statement to benefit making false statement to be accepted into the social support agency or caring, raising agency

3. Remedial measures:

a) Recommend government agency to withdraw social support decision from committing administrative violations for acts as specified in the Clause 1 and Clause 2 of this Article

b) Force to return any illegal benefits gained from committing administrative violations for acts as specified in the Clause 1 and Clause 2 of this Article;

### **Article 5. Violations in care and raising social protection objects**

1. A fine of 3,000,000 dong to 5,000,000 dong for not taking actions to raise and care the social protection objects.

2. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed for one of the following acts:

a) maltreat, force objects to abstain from food, water, limit their personal hygienic activities, force objects to live in a dangerous and harmful environment

b) Take advantage of caring and raising the objects for the purpose of profiteering

c) Force the object to work hard, in a harmful and danger work,

d) Entice, force or embroil the objects to committing violating acts;

e) Injure the objects' health and dignity.

3. Additional sanctions:

Confiscate operation licence or suspend the operation from 6 months to 12 months for individuals and organizations raising or taking care of objects that commit violations in Clause 2 of this Article;

4. Remedial measures:

Force to return any illegal benefit generated from violations for acts as specified in point b and c of Clause 2 of this Article.

### **Article 6. Violations in the operation of the social protection centers**

1. A fine of 3.000.000 dong to 5.000.000 dong shall be imposed for the act of failing to organize rehabilitation activities and production; support in self management, culture, sport and other activities suitable for age and health of the social protection objects.

2. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed for one of the following acts:

a) Use the budget and facility of the social institutions in wrong purposes

b) Collect money from service provision in contrast of the legal provisions;

c) Fail to ensure quality environment, infrastructure and facility, staffs standards of caring and raising the objects

3. Remedial measures:

a) Forcing to return to the social protection objects the money collected from conducting the acts as specified at Point b, Clause 2 of this Article. The money shall be forced to transfer to the state budget in case the above mentioned objects can not be indentified;

b) Force to return any illegal benefit generated from violations for acts as specified in point a of Clause 2 of this Article.

**Article 7. Violations for the social agency responsible for payment of social subsidy**

1. A fine of 3.000.000 dong to 5.000.000 dong shall be imposed for one of the following acitivities:

- a) Fail to pay social subsidy to the objects;
- b) Fail to pay full social subsidy
- c) Fail to pay subsidy to the right objects
- d) Fail to pay subsidy to the objects on time.

2. Remedial measures:

Force to return the illegal benefits gained from violations for acts as specified in Clause 1 of this Article.

**Article 8. Violaction of managing relief money, commodity**

1. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed for one of the following acitivities:

- a) Damage, lost relief money, commodity.
- b) Fail to use, distribute relief money, commodity for the right purpose and objects of the donor
- c) Appropriate relief money, commodity.

2. Remedial measures:

Force to return the illegal benefits gained from violations for acts as specified in item c of Clause 1 of this Article.

**Article 9. Violations in the regulations of the prohibited acts to persons with disabilities**

A fine of 3.000.000 dong to 5.000.000 dong shall be imposed to one of the following acts:

- Showing stigma or discrimination against persons with disabilities;
- Obstructing the right of persons with disabilities to marriage;

Obstructing the right of persons with disabilities to child fostering;

Obstructing the right of persons with disabilities to independent living, community integration;

Obstructing persons with disabilities to equally participate in social activities;

Failing to fulfill the responsibility to nurture and take care of persons with disabilities as provisioned in the law.

A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to one of the following acts:

Infringing upon physical body of persons with disabilities;

Infringing upon dignity, honor of persons with disabilities;

Infringing upon property, legitimate rights and interests of persons with disabilities;

A fine of 10.000.000 dong to 15.000.000 dong shall be imposed to one of the following acts:

Taking advantages of persons with disabilities, organizations of persons with disabilities, organizations for persons with disabilities, images, personal information and status of persons with disabilities for personal profits or commission of violations;

Enticing or forcing persons with disabilities to violate laws

Remedial measures:

Confiscate any profit generated from violating acts as specified at Point a, Clause 3 of this Article.

#### **Article 10. Violations in the regulations of responsibilities of healthcare clinics for persons with disabilities**

A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to health care clinics committing one of the following acts:

Failing to provide guidance to persons with disabilities on prevention and early detection of disabilities;

Failing to give priorities to health check up and treatment for persons with exceptionally serious disabilities and persons with serious disabilities, children with disabilities, the elderly with disabilities, pregnant women with disabilities as provisioned in the law;

A fine of 3.000.000 dong to 5.000.000 dong shall be imposed for the act of failing to carry out in born disability identification for the newborn.

## **Article 11. Violations in the regulations of responsibilities of education institutions for persons with disabilities**

A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to one of the following acts:

Failing to exempt or reduce schooling fees, training costs, and other contributions as provisioned in the law on education;

Failing to ensure reasonable conditions for learning and teaching persons with disabilities as provisioned in the law;

Failing to provide learning materials and equipments for persons with disabilities as needed;

Failing to allow persons with disabilities be exempted from a number of subjects or contents or educational activities that persons with disabilities are not able to do;

Refusing to enroll persons with disabilities at a later age than normally regulated provisions;

Regulating enrollment requirements that limit the participation of persons with disabilities except some cases as provisioned in the law;

Failing to give priority to persons with disabilities in school enrollment as provisioned in the law;

Obstructing the right of persons with disabilities to education.

## **Article 12. Violations in the regulations of responsibilities of vocational training establishments for persons with disabilities**

A fine of 3.000.000 dong to 5.000.000 dong shall be imposed to one of the following acts:

Charging counseling fee on vocational training for persons with disabilities contrary as provisioned in the law;

Refusing to provide counseling on vocational training for persons with disabilities as provisioned in the law;

Failing to exempt or reduce training fees for persons with disabilities as provisioned in the law;

A fine of 10.000.000 dong to 15.000.000 dong shall be imposed to the act of making false statement, false documents to ensure sufficient conditions for establishing vocational training establishments for persons with disabilities.

A fine of 15.000.000 dong to 20.000.000 dong shall be imposed to one of the following acts:

Failing to ensure all operational conditions as regulated by law after being established and operated for at least 6 months;

Failing to ensure reasonable facilities and infrastructure, training equipments for persons with disabilities;

Failing to ensure appropriate training documents, approaches and timeframe for persons with disabilities;

Failing to arrange specialized and technical trainers and teachers for persons with disabilities;

Failing to provide certificate and degrees to recognize the profession for persons with disabilities when they have completed training programs as provisioned in the law.

Remedial Measures:

Forcing to return to trainees the money collected from conducting the acts as specified at Point a and Point c, Clause 1 of this Article. The money shall be forced to transfer to the state budget in case the above mentioned trainees can not be indentified;

Forcing to hand in any profit generated from conducting the acts as specified Clause 2 of this Article.

### **Article 13. Violations in the regulations of responsibilities of employers for labor and employment of persons with disabilities**

A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the act of refusing to employ persons with disabilities who satisfy job requirements or putting forth on the requirements of obstructing employment of persons with disabilities.

A fine shall be imposed to one of the following acts: failing to ensure reasonable accommodations, appropriate working instruments, occupational safety and hygiene for employees with disabilities and failing to regularly provide employees with disabilities with health-care services; failing to consult employees with disabilities' suggestions before making decision relating to persons with disabilities' rights and benefits:

A fine of 1.000.000 dong to 3.000.000 dong, when committed violations from 1 to 10 employees;

A fine of 3.000.000 dong to 5.000.000 dong, when committed violations from 10 to 50 employees;



A fine of 5.000.000 dong to 10.000.000 dong, when committed violations from 50 to 100 employees;

A fine of 10.000.000 dong to 15.000.000 dong, when committed violations from 100 employees and higher;

Remedial measures:

Force to ensure reasonable accommodations, appropriate working instruments, occupational safety and hygiene for employees with disabilities and regularly provide healthcare for them; force to consult employees with disabilities' suggestions before making decision relating to persons with disabilities' the rights and benefits as specified at Clause 2 of this Article.

#### **Article 14. Violations in the regulations of participation of persons with disabilities and the elderly in transportation**

A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to one of the following acts:

Failing to exempt or reduce service and ticket fees for persons with exceptionally serious disabilities and persons with serious disabilities, the elderly as provisioned in the law;

Failing to give priority for persons with disabilities, the elderly to buy tickets;

Failing to assist and arrange convenient seats for persons with disabilities, the elderly.

Refusing to carry persons with disabilities or refusing to carry facilities and supporting means for persons with disabilities.

Remedial measures:

Forcing to return the money collected from conducting the acts as specified at Point a Clause 1 of this Article to passengers. The money shall be forced to transfer to the state budget in case the above mentioned passengers cannot be indentified

#### **Article 15. Violations in the regulations of standards for accessibility and usage of information and communication technology for persons with disabilities**

A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the acts of manufacturing, purchasing telephone or other telecommunications equipments which are not complied with standards of arranged digits, letters and symbols so that people with disabilities cannot use.

#### **Article 16. Violations in the regulations of support for application of information technology for persons with disabilities**

A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the acts of providing fake documents in order to enjoy the preferential policies on tax exemption, reduction, loan with preferential interest rate and other support for researching, manufacturing, producing and providing services, means of support or assistive devices to persons with disabilities for accessibility to information and communication technology.

A fine of 10.000.000 dong to 20.000.000 dong shall be imposed to the acts of complying wrong objects for preferential policies on tax exemption, reduction, loan with preferential interest rate and other support for researching, manufacturing, producing and providing services, means of support or assistive devices to persons with disabilities for accessibility to information and communication technology.

Remedial measures:

Forcing to hand in profits generated from acts as specified in the Clause 1 and 2 of this Article.

### **Article 17. Violations in the regulations of disability determination and classification**

A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to the one of the following acts:

Failing to carry out or failing to fully carry out the duties and responsibility of members of the disability determination and classification council as provisioned by law;

Failing to carry out or failing to fully carry out approaches to determine and determine again the level of disability as provisioned.

A fine of 3.000.000 dong to 5.000.000 dong shall be imposed to one of the following acts:

Members of the disability determination and classification council take advantage of their responsibility for the personal profit

Refuse to determine again the level of disability without appropriate reason;

False to determine the level of disability, certificate on disability classification.

A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the act of making false documents and profile in order to be granted certificate on disability classification.

Remedial measures:

Force to hand in profits generated from conducting acts specified at Point a Clause 2 of this Article;

Recommend authorized agencies to confiscate certificate of disability classification for the acts specified in Clause 3 of this Article.

### **Article 18. Violations in rights and duties to the elderly**

1. A fine of 3.000.000 dong to 5.000.000 dong shall be imposed to one of the following acts:

a) Interfere the elderly to live with their children, grandchildren or to live separately according their desire;

b) infringe, obstruct the elderly to exercise their right to marriage, right to property ownership and other legal rights;

2. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the following act: maltreat the elderly, entice the elderly to abstain from food, water, to wear torn clothing, limit hygienic activities, confine, force to live in the cold, abandon and force the elderly to live in a dangerous and toxic environment

2. Remedial measures:

Force to apology as per request for the violations as specified in clause 2 of this article.

### **Article 19. Fail to implement obligations to take care of the elderly.**

1. A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to one of the following acts:

a) Fail to take care of the elderly as provisioned in the law

b) Fail to implement fully the commitment as regulated in the signed contract as provisioned in the law;

c) Take advantage of caring and nurturing the elderly for the purpose of profit generation.

2. Remedial measures:

Force to hand in the profits generated from the acts as specified in the point c, clause 1 of this article.

### **Article 20. Violation in several other regulations with regard to persons with disabilities and the elderly.**

1. A fine of 3.000.000 dong to 5.000.000 dong shall be imposed to the acts of stimulating and enticing others to do illegal acts to persons with disabilities and the elderly.

2. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to one of the following acts:

- a) Force others to do illegal acts to persons with disabilities and the elderly.
- b) Force the elderly to work or to do illegal activities.

## **PART 2**

### **ADMINISTRATIVE VIOLATIONS IN CHILD PROTECTION AND CARE**

#### **Article 21. Violation in carry out health check up and treatment for child**

1. A fine of 1.000.000 dong to 3.000.000 dong for those who are working to raise, care, educate child but do not inform their families when they are sick, or do not take sick child to the nearest health check up station

2. A fine of 5.000.000 dong to 10.000.000 dong for any of the following acts:

a) Charge fee for health check up and treatment for child under 6 years old of age not in accordance to the legal regulations;

b) Fail to use facilities and means of health check up and treatment for child while the conditions are allowed to use for child

3. A fine of 10.000.000 dong to 15.000.000 dong for the act of refusing to do health check up and treatment for child according to the law or in the case of emergency;

4. Additional sanctions:

Deprive the use the license, practice certificate for a period of 3 to 6 months to individuals and organizations violating for acts as specified in the clause 1 and clause 2 and clause 3 of this Article.

4. Remedial measures:

Force to pay back the money generated from the violations as specified in the point a, clause 2 of this Article. In the case unable to find a person to return, fund will send to the government budget.

#### **Article 22. Violations for care and nurse the child**

1. A fine of 10.000.000 dong to 15.000.000 dong for violation will be imposed to one of the following acts:

a) Abandon and do not care and nurse the child after birth delivery;

b) Father, mother, guardian do not carry out the duties to care and foster the child, cut off the emotional and material relationship with the child, accept the child is adopted or forced to live separately under the law;

c) Father, mother and guardian intentionally abandon child in the public, force child fail to live with the family, or leave child behind for them to live on their own, do not care, foster and educate child in order them to fall on the special situation.

2. Remedial measures:

Force parents and guardian to implement their duties of caring, fostering and educating child according to the law and as acts specified in the clause 1 of this article.

**Article 23. Violation of forbid to seduce, entice, force child to live a street live; taking advantage of child for profit**

1. A fine of 3.000.000 dong to 5.000.000 dong shall be imposed to the act of seducing, enticing, forcing child to live a street live.

2. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed for one of the following acts:

a) Parents and guardian shall be imposed to the act of forcing child to live a street life to earn a living.

b) Take advantage of street children for profit

3. Remedial measures:

Force to return all money generated from the violations as acts specified in point b of the clause 2 of this article.

**Article 24 Not inform or not provide warning to child of ages not eligible to access and use the game toys, cultural products, or not inform or not provide warning to child of ages not eligible to listen or watch television, radio, art and film programs**

1. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to one of the following acts:

a) fail to provide warning to child who are not allowed to use cultural products, publications and game toys that has inappropriate contents to child.

b) fail to inform the ages of child that is not allowed to watch, listen to the radio, television, arts and film programs with inappropriate contents to child.

2. Additional sanctions:

Seize all cultural products, publications, game toys as specified in the point a of clause 1 of this article.

**Article 25. Voilation of forbid in seduction, deception, entice child to gamble; sell for child or let them use alcohol, beer, cigarettes, other stimulants that are harmful to health;**

1. A fine of 3.000.000 dong to 5.000.000 dong will be imposed to one of the following acts:

- a) Seduce, entice, force child to witness gambling at any form;
- b) Seduce, entice, force child in serving gambling at any form
- c) Seduce, entice, force child witness the use of illegal narcotic at any forms.

2. A fine of 5.000.000 dong to 10.000.000 dong will be imposed to one of the following acts:

a) Entice child to gamble, use alcohol, beer, cigarette, and other stimuli that are harmful to the health and the development of child;

b) Sell for child or let child buy and sell, or let child use alcohol, beer, cigarette, and other stimulants that are harmful to the health and the development of child;

**Article 26. Violation of forbid to post child's picture on the cultural, information and communication products with pornography, violence and depraved contents.**

1. A fine of 40.000.000 dong to 50.000.000 dong shall be imposed to the acts of posting child's pictures on the cultural, information and communication products with pornography, violence and depraved contents.

2. Remedial measures:

Force to destroy the cultural, information and communication products of pornography, violence and depraved content as specified in the clause 1 of this article.

**Article 27. Violation of forbid to abuse child for personal benefits, obstruct child to participate in social community activities**

1. Caution or a fine to 500.000 dong shall be imposed to the act of obstructing child to participate in social community activities;in legal community activities.

2. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to one of the following acts:

- a) infringe upon child's body and beat child;

b) maltreat child, force child to abstain from food, water, limit their personal hygienic activities, confine child, force child to live in a dangerous and harmful environment; or other treat the child badly

c) hurt child's spiritual life, infringe upon child's dignity, honor, insult, threaten, affront, separate, neglect child that have negative impacts on the healthy development of child;

d) use punishment measures to teach child that affect the child physically and spiritually.

e) regularly threaten child by the voice, pictures, and animal that spiritually scare them.

3. A fine of 10.000.000 dong to 15.000.000 dong shall be imposed to one of the following acts:

a) Organize and force child to be street beggar;

b) Lend, exchange and use child to become street beggar.

4. Remedial measures:

a) Force individual and organization to be responsible to cover all costs of health check up and treatment (if any) for child as by acts specified in the clause 2 of this article.

b) Force to destroy unharmed products for child; take measures to address the unhealthy environment as specified in point d clause 2 of this Article.

c) Force to return the benefits gained from violation acts as specified in Clause 3 of this Article;

### **Article 28. Violation of forbid to incite child to hate their parents or guardians or to infringe upon the life, body, dignity or honor of others;**

1. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the act of inciting, provoking, and lying child at any forms in order child to hate their parents and guardian.

2. A fine of 10.000.000 dong to 15.000.000 dong shall be imposed to the act of inciting, provoking, and lying child at any forms in order child to infringe upon the life, body, dignity or honor of others.

3. Remedial measures:

Force to be responsible to cover all costs of health check up and treatment for person who was infringe by the child specified in the clause 2 of this article.

**Article 29. Abusing child labor, employing child to buy, sell, transport of fake goods, tax exile goods, and money illegally**

1. A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to the act of Father, mother, guardian and persons taking care of child force the child to do housework beyond their ability, work overtime, affecting their leaning, entertainment, leisure, and badly affecting the healthy development of child.

2. A fine of 10.000.000 dong to 15.000.000 dong shall be imposed to the acts of using child to buy, sell, transport of fake goods, tax exile goods, and money illegally.

3. Additional sanctions:

Confiscate goods, tax exile goods and money from conducting acts as specified in the clause 2 of this article.

4. Remedial measures:

Force to hand in all money generated from conducting the acts as specified in the clause 2 of this Article;

**Article 30. Obstructing child's learning**

1. Caution or a fine to 500. 000 dong shall be imposed to one of the following acts:

a) destroy books, notebooks and learning tools of child;

b) intentionally fail to implement the duty to contribute or pay for the studying of child as provisioned by law, fail to ensure the time for study and studying conditions for child.

2. A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to the acts of seducing and enticing child to drop school,

3. A fine of 1.000.000 dong to 3.000.000 dong shall be imposed to the following acts:

a) disturb, obstruct the activities implemented by the education establishments,

b) destroy facilities, teaching and learning equipments of the education establishments.

4. Additional sanctions:

Confiscate exhibits, means of individual and organization used to conducts the acts as specified in the point b, clause 2 of this Article.

5. Remedial measures:



a) Force to be responsible for all the cost to buy books, notebooks and learning tools of child in the point a clause 1 of the article.

b) Force individual and organization to recover the original situation for the facilities, teaching and learning equipments that were destroyed by the acts as specified in the point b, clause 3 of this article.

**Article 31. Applying measures that offend or lower the honor or dignity of, or applying corporal punishments to, juvenile offenders**

1. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to the acts of insulting, scolding, forcing to do work that offend or lower the honor or dignity of child

**Article 32. Locating cemetery, establishments for the production or storage of pesticides, toxic chemicals, inflammables and/or explosives near child-rearing establishments or educational, medical, cultural and recreation establishments for child.**

1. A fine of 20.000.000 dong to 25.000.000 dong shall be imposed to one of the following acts:

a) Locating cemetery, establishments for the production or storage of pesticides, toxic chemicals, inflammables and/or explosives near child-rearing establishments or educational, medical, cultural and recreation establishments for child

b) Locating business productions establishments with toxic waste, exceeded noise, affecting the child rearing establishment, educational establishments, cultural establishment, leisure and entertainment places for child;

c) Locating the child rearing establishment, educational establishments, cultural establishment, leisure and entertainment places for child in the areas that has sphere of influence of cemetery, establishments for the production or storage of pesticides, toxic chemicals, inflammables and/or explosives, business productions establishments with toxic waste, exceeded noise in contrary to the provisions of the law.

2. Additional sanctions:

Suspend partly or deprive the right to use the operation license from 03 to 06 months to conduct acts as specified in the clause 1 of this article.

3. Remedial measures:

a) Force individual, organization to recover the original situation or force to remove all construction work, facilities from conducting acts as specified in the clause 1 of this Article;

b) Force to remove cemetery, establishments for the production or storage of pesticides, toxic chemicals, inflammables and/or explosives near child-rearing establishments or educational, medical, cultural and recreation establishments for child that are not locate in the allow area as specified in the clause 1 of this Article;

**Article 33. Not ensuring the safety in production, business, transportation, causing accidents and injury for child**

1. A fine of 10.000.000 dong to 20.000.000 dong shall be imposed to one of the following acts:

a) fail to inform, place sign or barrier or provide on-time instruction to the dangerous, toxic, explosive, electric shocks places or unsafe in transportation that cause accidents and injury to child;

b) fail to fully follow on time the safety measure on production, business, operation of transport facilities, causing accidents and injury for child.

2. Remedial measures:

a) force individual, organization to correct the unsafe situation created by the acts as specified in the clause 1 of this Article;

b) force individual and organization to cover all cost for treatment after accidents, injury of child due to the acts as specified in the clause 1 of this article.

**Article 34. Administrative violations of the child rearing establishments**

1. A fine of 5.000.000 dong to 10.000.000 dong shall be imposed to one of the following acts:

a) not ensure one of the conditions in the operation registration for caring of child;

b) Operation license is expired but yet extended but still continued operation.

2. A fine of 10.000.000 dong to 15.000.000 dong shall be imposed for one of the following acts:

a) The operation is not in accordance with the specifications in the operation licenses;

b) fail to implement, or wrongly implement or not fully implement all regulations that is approved by the authorized functioning agencies;

c) fail to prepare documents for renew the operation license when changing the name, locations, owner and scope of operation.

3. A fine of 15.000.000 dong to 20.000.000 dong shall be imposed for one of the following acts:

a) correct, falsify, or using false documents in the profile in order to get approval for establishment of the child rearing establishment;

b) use budget of the child rearing establishment for other purposes and fail to support the purpose to care children;

c) Organize to collect services fees in contrary to the provisions of the law;

d) operate the establishment without registered operation license;

e) fail to ensure the full proportion of food for children or use foodstuff and chemical in food processing in contrary to the provisions of law, causing harm to the health of children.

4. Additional sanctions:

Deprive the right to use the operation license for a period from 06 to 12 months for the individual and organization conducting acts as specified in the point a of clause 2 of this article; point b and c of clause 3 of this article.

5. Remedial measures:

a) Withdraw registration license from individual and organization that conducted acts as specified in the point a of clause 3 of this article

b) Force individual, organization to hand in money generated from conducting the acts as specified in the point b and c of clause 3 of this article.

## **CHAPTER III**

### **AUTHORITY TO SANCTIONS**

#### **Article 35. Determination of authority sanctions**

1. Inspector of Labour - Invalids and Social Affairs has authority on sanction violations of the provisions of Chapter II of this Decree.

2. Inspector of Health has authority to sanction violations of the provisions in the article 10, 21 and 22 of this Decree.

3. Inspector of Education and Training has authority to sanction violations of the provisions of Articles 11, 30 and 32 of this Decree.

4. Transportation Inspector has authority to sanction violations of the provisions of Article 14 and Article 33 of this Decree.
5. Inspection of Culture, Sports and Tourism has authority to sanction violations of the provisions of Articles 24, 26 and 32 of this Decree.
6. Inspection Information and Communication has authority to sanction violations of the provisions of Articles 15, 16, 24 and 26 of this Decree.
7. Market management has authority to sanction violations prescribed in Articles 15, 24, 25, 26 and 32 and Point b, Clause 1, Article 33 of this Decree.
8. People's Police has authority to sanction violations of the provisions of Articles 14, 20, 23, 24, 25, 26, 27, 28, 29, 31, 32 and 33 of this Decree.
9. Authority to sanction administrative violations specified in Articles 36 to 39 of this Decree is applicable jurisdiction for a violation of personal administration in case of fines, penalties that is 02 times higher than the official sanction for an individual.

### **Article 36. Authority of Inspection**

1. Inspector who are assigned to perform inspection tasks on duty shall have the right to:

- a) Impose a warning
- b) Impose a fine of up to 500.000 dong;
- c) Confiscate exhibits and means used for administrative violations may not exceed the value of the fine specified in point b of this article;
- d) Apply remedial measures prescribed in point a,c,d of clause 1 Article 28 of this Decree.

2. Chief Inspector assigned by the Government to carry out the function of specialized inspection specified in clause 1,2,3,4,5 and clause 6 of article 35 of this decree shall have a right to:

- a) Impose a warning
- b) Impose a fine up to 25.000.000 dong.
- c) Deprive the right to use licenses, practice certificates in a definite or to suspend the operation for the definite period of time.
- d) Confiscate exhibits and means used for administrative violations may not exceed the value of the fine specified

e) Apply remedial measures prescribed in article 2 of this Decree.

3. Chief Inspector of Ministry or equivalent assigned by the Government to carry out the function of specialized specified in clause 1,2,3,4,5 and clause 6 of article 35 of this decree shall have a right to:

a) Impose a warning

b) Impose a fine up to 50,000,000 dong.

c) Deprive the right to use licenses, practice certificates in a definite or to suspend the operation for the definite period of time.

d) Confiscate exhibits and means used for administrative violations;

e) Apply remedial measures prescribed in Article 2 of this Decree.

4. Head of inspection team has the right to impose sanctions as provisioned in the clause 1,2,3,,4,5 and 6 of the article 35 of this Decree

a) Impose a warning

b) Impose a fine up to 35,000,000 dong.

c) Deprive the right to use licenses, practice certificates in a definite or to suspend the operation for the definite period of time.

d) Confiscate exhibits and means used for administrative violations may not exceed the value of the fine specified in point b of this clause;

e) Apply remedial measures prescribed in Article 2 of this Decree

5. Head of the inspection team shall have authority to impose sanctions as specified in Clause 2 of this Article

### **Article 37. Authorities to sanction of Chairman of People's Committee at different levels**

1. Chairman of commune people's committee has right to:

a) impose a warning;

b) impose a fine up to 5.000.000 dong;

c) Confiscate exhibits and means used for administrative violations may not exceed the value of the fine specified in the point b of this clause ;

d) ) Apply remedial measures prescribed at point a,b, c and d of the clause 1 article 28 of the Law on Sanctioning of administrative violations.

2. Chairman of district people's committee has right to:

a) impose a warning;

b) impose a fine up to 25.000.000 dong;

c) Deprive the right to use licenses, practice certificates under their jurisdiction in a definite period or suspend the operation for the definite period of time

d) Confiscate exhibits and means used for administrative violations may not exceed the value of the fine specified in the point b of this clause

e) Apply remedial measures prescribed in point a,b,c,d, e,h and i of clause 1 of Article 28 of this Decree.

3. Chairman of Provincial People's Committee has right to:

a) Impose a warning

b) Impose a fine up to 50,000,000 dong.

c) Deprive the right to use licenses, practice certificates under their jurisdiction in a definite or indefinite period or to suspend the operation for the definite period of time.

d) Confiscate exhibits and means used for administrative violations;

đ) Apply remedial measures prescribed in clause 1 article 28 of the Law on Sanctioning of administrative violations and article 2 in this Decree.

### **Article 38. Authorities to sanction of Market Management**

1. Market control official who is in charge shall have the right to:

a) Impose a warning

b) Impose a fine up to 500,000 dong.

2. Leader of the Market Control team shall have the right to:

a) Impose a warning

b) Impose a fine up to 25,000,000 dong.

c) Confiscate exhibits and means used for administrative violations may not exceed the value of the fine in the point b of this clause;

d) Apply remedial measures prescribed in point a, đ, e,g,h and l in clause 1 article 28 of the Law on Sanctioning of administrative violations and clause 7,11, and 12 article 2 in this Decree.

3. Department Director Market Management Department under the Department of Trade and Industry, Head of Anti-smuggling and anti-counterfeiting Manager, Quality Control Manager of Administration commodity markets have the right to:

a) Impose warning;

b) Impose fines of up to 50,000,000 dong;

c) Confiscate exhibits and means of administrative violations may not exceed the value of the fine specified in point b of this clause;

d) Deprive of the right to use licenses, professional practice certificates in a definite period or suspend operations in a definite ;

e) Apply remedial measures specified in point a, c, d, e, f, g, h and i, of clause 1, Article 28 of the Law on Sanctioning of administrative violations , the Clause 7, 11 and 12 Article 2 in this Decree.

4. The director of Market Management reserves the right to:

a) Impose the reports;

b) Impose fines of up to 50,000,000 dong;

c) Confiscate exhibits and means of administrative violations;

d) Deprive of the right to use licenses, professional practice certificates with a term or suspend operations indefinitely;

e) Apply remedial measures prescribed in point a, c, d, đ,e, f, g, h and i in clause 1, Article 28 of the Law on Sanctioning of administrative violations, the Clause 7, 11 and 12 Article 2 of this Decree.

### **Article 39. The authority of the People's Police**

1. The People's Police officers are on duty have the right to:

a) Impose warning;

b) Impose fines of up to 500,000 dong.

2. Station chief, who was captain of the provisions of clause 1 of this article shall have the right:

a) Impose warning;

b) Impose fines of up to 1,500,000 dong.

3. Commune police chief, Chief of Police station, Chief of Police station at the import, export gate and the processing zones have the right to:

a) Impose warning;

b) Impose fines of up to 2,500,000 dong;

c) Confiscate exhibits and means of administrative violations may not exceed the value of fines stipulated in Point b of this Clause;

d) Apply remedial measures prescribed in the points a, c and e, clause 1, article 28 of the Law on Sanctioning of Administrative Violations.

4. District Police Chief, Chief of Police professional road transport, railways, Head of Police Department waterways; provincial Chief of Police including Chief of Administration the social order , order Police Chief, Chief of Police fast response, Police Chief of Criminal Investigation of social order Chief of Police for criminal investigation on economic management and position, the Police Chief to investigate drug crimes Head of Traffic Police road, rail, waterways, Police Chief of body protection and action, Police Chief prevention and mobile, Head of environmental criminal prevention, Head of Immigration, Head of culture ideology Security , Head of Information Security, heads of police units from company have the right to:

a) Impose warning;

b) Impose fines of up to 10,000,000 dong;

c) Deprive the right to use licenses, professional practice certificates in a definite period or suspend operations definitely;

d) Confiscate exhibits and means of administrative violations may not exceed the value of fines stipulated in point b of this Clause;

e) Apply remedial measures specified in the point a, c and d, clause 1, article 28 of the Law on Sanctioning of Administrative Violations, clauses 2, 7, 8, 11, 12 and 13 of article 2 of this Decree.

5. Provincial police chief has the right to:

a) Impose warning;

b) Impose fines of up to 25,000,000 dong;

c) Deprive the right to use licenses, professional practice certificates in a definite period or suspend operations definitely;

d) Confiscate material and means of administrative violations worth up to 25,000,000 vnd;

e) Apply remedial measures prescribed in points a, c, d and i, clause 1, article 28 of the Law on Sanctioning of Administrative Violations, clauses 2, 7, 8, 11, 12 and 13, article 2 of Decree this.



6. Head of department of Security of Culture, Ideology, Head of Information Security, Head of Police Department administrative management of social order, Head of the Police Department criminal investigation of the social order , Head of police Department on investigation of crimes and economic self-management positions, Head of Police Department on drug crime investigation , Head of police Department road traffic, railways, and waterway, Head of Police Department on Crime Prevention environmental, Head of Police Department prevent and combat crime using high technologies shall have the right to:

- a) Impose warning;
  - b) Impose fines of up to 50,000,000 vnd;
  - c) Deprive the right to use licenses, professional practice certificates in a definite period or suspend operations definitely;
  - d) Confiscate material and means of administrative violations;
  - e) Apply remedial measures prescribed at Points a, c, e and i, Clause 1, Article 28 of the Law on Sanctioning of Administrative Violations, Clauses 2, 7, 8, 11, 12 and 13, Article 2 of this Decree.
7. Director of the Department of Immigration sanction authorized under the provisions of clause 6 of this Article

#### **Article 40. Authority to make a record of the administrative violations**

Upon detecting the violations, the persons competent to sanction public servants, officials are on duty, assigned tasks shall promptly make records and comply with the provisions of Article 58 of the Law on Sanctioning of administrative violations

### **CHAPTER IV EXECUTION**

#### **Article 41. Execution in Effect**

- 1. This Decree shall be in effect from December 15, 2013.
- 2. Annul Decree 91/2011/NĐ-CP on October 17, 2011 regulating sanctions of administrative violations in the field of child.

#### **Article 42. Transitional provisions**

1. The violations occurred before the effective date of this Decree which then would be detected or are considering settlement with the applicable sanction regulations in this Decree benefit if fish personnel, organization of administrative violations.

2. Regard to the decisions of administrative sanction has been issued or has been completely executed before the effective date of this Decree which individuals and organizations that are sanctioned or individuals subject to sanctions administrative complaint shall also apply the provisions of the Ordinance on Sanctioning of Administrative Violations to solve.

### **Article 43. Responsibility for Execution**

1. The Minister of Labour - Invalids and Social Affairs is responsible for guiding the implementation of this Decree

2. Ministers, heads of ministerial-level agencies, heads of government agencies, President of the People's Committees of provinces and cities directly under the Central Government shall have to implement this Decree../.

**To:**

- The Secretariat of the Party Central Committee;
- the Prime Minister, the Deputy Prime Minister;
- Ministries, ministerial-level agencies, the agencies attached to the Government;
- Office of the Central Steering Committee on the prevention of corruption;
- Provincial People's Council and Committees

- Central Office and the Commissions;
- Office of the President;
- National Council and the Committee of the National Assembly;
- Office of the National Assembly;
- People's Supreme Court;
- People's Supreme Procuracy;
- State Auditor;
- the National Financial Supervisory Commission;
- Social Policy Bank;
- Vietnam Development Bank;
- Fatherland Front of Vietnam;
- Central Mass Organizations

**On behalf of Government**

**Prime Minister**

**Nguyen Tan Dung**

- Office: Chairman, Deputy Chairmen, E-portal, departments, units, in the Official Gazette;
- Filing, Office, KGVX (3b).300